

INTRODUCTORY LOCAL LAW NO. ___ OF 2024

A LOCAL LAW ADDING CHAPTER 158, ENTITLED, “OFF-ROAD VEHICLES,” TO THE TOWN CODE OF THE TOWN OF MOUNT HOPE

Be it enacted by the Town of Mount Hope in the County of Orange, as follows:

SECTION 1. TITLE

This Local Law shall be referred to as "A Local Law Adding Chapter 158, Entitled, “Off-Road Vehicles,” to the Town Code of the Town of Mount Hope.

SECTION 2. LEGISLATIVE INTENT AND PURPOSE

The Town Board of the Town of Mount Hope hereby finds that the use of off-road vehicles such as ATVs and Motorbikes, without regard for the rights of property owners and residents whose property is used for the operation of such off-road vehicles without permission of said property owners and residents, without regard for noise, dirt and dust caused by the operation of such off-road vehicles, and in violation of this Chapter, creates a hazard and detriment to the health, safety and welfare of the residents of the Town of Mount Hope and its property owners. Regulation of the use of these off-road vehicles within the Town of Mount Hope will help protect residents and property owners.

SECTION 3. AUTHORITY

This Local law is enacted pursuant to New York State Municipal Home Rule Law.

SECTION 4. OFF-ROAD VEHICLES

Chapter 158, entitled “Off-Road Vehicles” is hereby added the Town Code of the Town of Mount Hope, to read as follows:

Chapter 158 Off-Road Vehicles

§158-1. Intent and Purpose.

The Town Board of the Town of Mount Hope hereby finds that the use of off-road vehicles such as ATVs and Motorbikes, without regard for the rights of property owners and residents whose property is used for the operation of such off-road vehicles without

permission of said property owners and residents, without regard for noise, dirt and dust caused by the operation of such off-road vehicles, and in violation of this Chapter, creates a hazard and detriment to the health, safety and welfare of the residents of the Town of Mount Hope and its property owners. Regulation of the use of these off-road vehicles within the Town of Mount Hope will help protect residents and property owners.

§158-2. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated below.

OFF-ROAD VEHICLE

Any all-terrain vehicle that is motor-propelled or contains a motor to assist in the operation of said vehicle, and which vehicles are commonly referred to as “dirt bikes,” “minibikes,” “trail bikes,” “motorized sport bikes,” “go-carts or go-karts,” “all-terrain vehicles,” “trikes,” “quads,” “snowmobiles,” “dune buggies,” and “golf carts” or similar names, which vehicles, by their nature and design or by law, are not intended to be used and operated along paved public roads and highways, but are intended to be operated in dirt, sand, grass, up and down hills, along trails and in similar type areas. Off-Road Vehicles shall not include lawn tractors, lawn mowers, farm machinery and battery-operated vehicles.

PRIVATE PROPERTY

All land and buildings in the Town of Mount Hope not included in the definition of “Public Property”.

PUBLIC PROPERTY

Lands and buildings, including but not limited to lands held in fee ownership, easement ownership or lease, and including but not limited to parts owned or leased by the Town of Mount Hope, any school district, the County of Orange, the State of New York or any other governmental entity.

§158-3. Restrictions and Prohibited Acts.

- A. It shall be unlawful for any person to drive or operate any Off-Road Vehicle on Private Property of another person with the Town of Mount Hope without the written permission of the owners or occupants of said property. Such written permission must be provided by the persons operating the Off-Road Vehicle and must be presented upon demand to any peace officer or police officer so demanding within twenty-four (24) hours of such demand. The police officer may impound such Off-Road Vehicle until written permission is provided. In the event of a second violation of this subsection within one year, the police officer shall impound such Off-Road Vehicle until written permission is provided.
- B. The following acts are prohibited within the Town of Mount Hope at all times:

- (1) The operation of any Off-Road Vehicle in such a manner as to disturb or interfere with the peace and tranquility of reasonable persons by creating loud, unnecessary or unusual noise.
- (2) The operation of any Off-Road Vehicle in a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety or property of any persons, including the operator of such Off-Road Vehicle.
- (3) The operation of any Off-Road Vehicle at a rate of speed greater than reasonable or proper under the circumstances.
- (4) The operation of any Off-Road Vehicle, with or without written permission, within 250 feet of any dwelling, school, church, commercial building, restaurant, farm, store or other occupied building.
- (5) The operation of any Off-Road Vehicle in a repetitive or continuous manner that is disturbing and bothersome to nearby property owners, by reason of resulting noise, dust or other conditions arising from the operation of such Off-Road Vehicles.
- (6) The operation of any Off-Road Vehicle in a manner which causes or otherwise results in the propulsion of sand, dirt, dust, rocks, gravel or other similar materials beyond a property boundary line.
- (7) The operation of any Off-Road Vehicle without an operable muffler to reduce the sound emitted from such Off-Road Vehicles at a noise level of 65 decibels or below at a property or street boundary line.
- (8) The operation of any Off-Road Vehicle between the hours of sunset and 7:00 a.m., prevailing time, except upon the residence of the operator or the operator's immediate family.
- (9) The operation of any Off-Road Vehicle in such a way as to harass, worry or disturb farm animals, domestic livestock or wildlife, or to destroy or damage crops or farm produce.
- (10) The operation of any Off-Road Vehicle on any public roadway so as to cause operators of other motor vehicles to take evasive or irregular action to avoid danger of collision with such Off-Road Vehicle.
- (11) The operation of any Off-Road Vehicle on any lands leased, owned or controlled by the Town of Mount Hope. This shall not be construed to prohibit lawful operation of vehicles on public streets or thoroughfares.
- (12) The operation of any Off-Road Vehicle upon any property that is posted with a sign(s) prohibiting the trespassing of such Off-Road Vehicles.

§158-4. Exceptions.

- A. This Chapter shall not apply to police and emergency vehicles.
- B. This Chapter shall not apply to the operation of Off-Road Vehicles in the regular course of lawful business or to the operation of Off-Road Vehicles under

circumstances regulated by any agency of the State of New York or to any Off-Road Vehicles operated by public officials or public employees, in their official capacity for a public purpose, including emergency service, police protection, fire protection and public works activity.

§158-5. Penalties for Offenses.

- A. A violation of this Chapter shall be offense. Upon conviction of an offense, the offender shall be subject to a fine not to exceed \$250 for a first offense and \$500 for a second offense and each subsequent offense committed within a twelve-month period measured from the date of the first offense. Each person may be charged with more than one offense and shall be subject to imposition of a fine for each such use.
- B. Aggravated Offense. It shall be an aggravated offense if the use of an Off-Road Vehicle in violation of this Chapter results in injury to any person, farm animal, domestic livestock or wildlife, damage to crops or nursery stock and/or otherwise involves damage to agricultural business stock. The person found to have committed an aggravated offense shall be subject to doubling the fines set forth in this Chapter.

§158-6. Impoundment; Confiscation.

- A. Notwithstanding §158-5, any peace officer who shall encounter any person operating an Off-Road Vehicle in violation of this Chapter may impound said Off-Road Vehicle and shall place said Off-Road Vehicle in a location designated by the Chief of Police of the Town of Mount Hope. The owner or duly designated agent of the owner of such Off-Road Vehicle may secure the possession of such Off-Road Vehicle upon payment of expenses and charges necessarily and actually incurred by the removal of said Off-Road Vehicle and an impoundment fee of \$100.
- B. In the case of a second or subsequent violation, the Court may order confiscation of said Off-Road Vehicle in lieu of any fine. Any Off-Road Vehicle so confiscated pursuant to this section will be sold at public auction according to appropriate procedures and law affecting public auctions by municipalities. The minimum bid for such Off-Road Vehicle at auction shall reflect costs and penalties to the date of such auction.

§158-7. Enforcement.

Any peace officer or police officer may enforce the provisions of this Chapter. The Town of Mount Hope Police, the Orange County Sheriff's Department and the New York State Police shall enforce the provisions of this Chapter.

SECTION 5. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 6. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State.